

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICKY DAVIS,

Defendant.

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8:05CR165

MEMORANDUM AND ORDER

This matter is before the court on defendant's Motion for Reconsideration. (Filing No. 78). In his motion, the defendant asks this court to reconsider its Memorandum and Order and Judgment denying the defendant's § 2255 motion. (Filing Nos. 73 & 74). Specifically the defendant challenges the court's decision on his First Claim in his § 2255 motion, that the jury was not properly instructed on the offense of felon in possession of a firearm.

Because the defendant's motion does not raise any factual or legal arguments that would alter the court's Memorandum and Order denying plaintiff's § 2255 motion, the motion for reconsideration is denied.

IT IS ORDERED:

1. That the defendant's Motion for Reconsideration (Filing No. 78) is denied; and
2. The Clerk of Court is directed to send a copy of this Memorandum and Order to the defendant at his last known address.

DATED this 13th day of April, 2007.

BY THE COURT:

s/ Joseph F. Bataillon

JOSEPH F. BATAILLON

Chief United States District Judge